GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

HOME (LEGAL.II) DEPARTMENT - Police- Andhra Pradesh Police Subordinate Service Rules - Fixation of seniority of Police Constables in AR/SARCPL Police Constables who are appointed by transfer (by Conversion) from APSP in terms of orders dated 8.10.2013 of High Court of Andhra Pradesh, in W.P.No.26765/2011 and batch cases by applying weightage formula for the purpose of further promotion in Armed Reserve – Adhoc Rules - Orders – Issued.

HOME (LEGAL.II) DEPARTMENT

G.O.MS.No. 1 **Dated: 07-01-2016**
Read the following:-

1. G.O. Ms. No. 1263 General Administration (Rules) Dept., dated 26-08-1959.
2. G.O.Ms.No. 270 Home Department, dated 2-4-1990.
3. G.O.Ms.No. 299 (Home Police .D) Department, dated 5-10-1999.
4. G.O.Ms.No. 329 Home (Legal.II) Department, dated 28-12-2010.
5. APAT order dated 9-9-2011 in O.A.No. 10216/2008 and other cases.
6. G.O. Ms. No. 54, Home (Legal.II) Department, dated 18-02-2013.
7. High Court order dated 08-10- 2013 in W.P. Nos. 26765/2011 and batch cases.
8. From the Director General of Police, Andhra Pradesh, Hyderabad, Lr.Rc.No.59/E3/2014, dated 22-2-2014 & 09-12-2015.
9. Opinion of the Government Pleader, High Court of AP, Hyderabad, dated 13-10-2015.

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ORDER:

In the letters 8th read above, the Director General of Police, Andhra Pradesh, Hyderabad, has stated that the Government in the G.O. 1st read above, issued Police Sub-Ordinate Service Rules from the rank of Police Constable to Sub-Inspector for different organizations in Police Department and the Provisions were made for fixation of seniority to the individuals who were appointed by transfer as follows:-

> Rule 15 (c): "The transfer of a person from one class or category of the service to another class or category carrying the same pay or scale of pay shall not be treated as first appointment to the latter for purposes of seniority and the seniority of person so transferred shall be determined with reference to the date of his first appointment to class or category from which he was transferred. Where any difficulty or doubt arises in applying this sub-rule, seniority shall be determined by the appointing authority".
>
> Rule 15 (e) : "The seniority of qualified Special Policemen appointed by transfer as Constables in this service shall be determined by the date of their first appointment in this service for purposes of confirmation in vacancies in this service".

2. In the reference 2nd read above, an amendment was issued to G.O.Ms.No. 1263 General Administration (Rules) Department, dated 26-8-1959 by making a provision for appointment by transfer of eligible Police Constables to District Armed Reserve and City Armed Reserve from Special Police Battalions and in the GOs 3rd and 4th read above, the terms and conditions for such appointment, by transfer were specified.

3. Seniority of PCs (AR) / PCs (SAR CPL) who were appointed by transfer from PCs (APSP) was fixed from the date of initial appointment as PC (APSP) by following the Rule 15(c) in all districts. However, in the year 2008, direct recruit ARPCs and convertee ARPCs of Srikakulam and Vizianagaram Districts assailed the system of following Rule 15 (c) initially in the APAT and subsequently in the High Court of Judicature at Hyderabad and obtained "Status-Quo" orders.

4. He has also stated that Sri Lundu Krishna Rao, direct recruit AR PC & others of Srikakulam District filed an O.A.No. 10216/2008 against the seniority list prepared by the SP, Srikakulam District as per Rule 15 (c) of the Andhra Pradesh Police Subordinate Service Rules. The APAT in its orders dt 9-9-2011 have directed the respondents to count the seniority of the unofficial respondents in terms of Rule 15 (e) of the AP Police Subordinate Service Rules. Against the above APAT Orders, the Convertee PCs (AR) of Srikakulam District i.e. Sri P.Lokanadham, PC 183 of Srikakulam District and others filed the WP No. 26765/2011 in the High Court to set aside the above APAT Orders dated 9-9-2011 in O.A.No. 10216/2008.

(P.T.O.)

5. The High Court on 14-10-2011 in WP No. 26765/2011 have issued orders to maintain Status quo.

6. Further, Sri Jummu Krishna, direct recruit AR PC & Others of Vizianagaram District filed an O.A.No. 2857/2008 in the APAT against the seniority list prepared by the Superintendent of Police, Vizianagaram District as per Rule 15 (c) of the AP Police Subordinate Service Rules vide Memo No. 625/A1/2008, dated 8-3-2008. The APAT in its Orders dated 3-2-2012 directing the respondents to take further action regarding seniority of the unofficial respondents after the disposal of the WP No. 24847/2007 (which was filed by the Medak District) in the erstwhile State of AP pending before the High Court on the basis of the Judgment of the High Court.

7. The Hon'ble High Court disposed the W.P. Nos. 21610/2007, 24847/2007, 26765/2011, 31595/2012, 33217/2012 and 18254/2013 by upholding the above APAT orders and directed the Government to consider the feasibility of evolving a formula to extend the benefit of weightage of service rendered by the ARPCs who were appointed by transfer from APSP subject to certain limit, duly taking the interest of the Constables appointed by direct recruitment or other modes over the period and till such time the formula is evolved, the reversion which are warranted on account of implementation of the orders passed by the Tribunal shall stand stayed.

8. The Director General of Police, Andhra Pradesh, Hyderabad has requested to approve the following formula for fixation of seniority with effect from 1-1-2008 since the litigation started from 1-1-2008 in respect of APPCs and SARCPL PCs who were appointed by transfer from the APSP by taking into consideration of the orders of the Hon'ble High Court of Judicature at Hyderabad:

> ***"Shall be given a weightage of one year for every completed two years of service rendered as PC in APSP, subject to a maximum of seven years.*** For the purpose of calculation of weightage under this clause, fractions, if any are to be ignored."
>
> **Date of fixation of seniority**: If length of service as PC APSP is above 13 years and less than 14 years, then weightage is 6 years. If the date of appointment as PC AR is 18-01-2014 then date of fixation of seniority is 18-01-2008.

9. Government after careful examination of the entire matter hereby approved the following formula as proposed by the Director General of Police, Andhra Pradesh, Hyderabad, for fixation of seniority in respect of APPCs and SARCPL PCs appointed by transfer from the APSP.

10. The adhoc Rule hereby made shall be deemed to have come into force with effect from 01-01-2008.

11. Accordingly, the following notification is published in the Andhra Pradesh Gazette:

NOTIFICATION

Notwithstanding anything contained in the Andhra Pradesh Police Subordinate Service Rules issued vide G.O.Ms.No. 1263, General Administration (Rules) Department, dated:26-8-1959 as amended from time to time , the Governor of Andhra Pradesh makes the following Adhoc Rule:-

Ad-HOC RULE

"The seniority of Police Constables in Armed Reserve, appointed by transfer from Special Police Battalions shall be fixed giving weightage of one year of service for every completed two years of service rendered as Police Constables in Special Battallions, subject to a maximum of seven years."

Note: For the purpose of calculation of weightage under this clause fractions, if any are to be ignored.

(Contd/----3)

12. The Director General of Police, Andhra Pradesh, Hyderabad, shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANMOHAN SINGH
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Director General of Police, Andhra Pradesh, Hyderabad
The Commissioner of Printing, Stationery & Stores Purchases
(Ptg.Wing) Department, A.P., Hyderabad. (He is requested to furnish 100 copies of the Gazette Notification to Government

Copy to:
The Government Pleader for Services (Andhra Pradesh),
High Court of Judicature at Hyderabad
The Accountant General, Andhra Pradesh, Hyderabad
The Director of Treasuries & Accounts, Andhra Pradesh, Hyderabad.
PS to Minister (Home)
Home (Ser-II) Section
Home (Legal) Department, Government of Telangana.
Law (C) Department
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER